

REMARKS

Claims 21, 23, 24, 38 and 39 are canceled without prejudice, claims 46 to 65 are added, and therefore claims 22, 25 to 37, and 40 to 65 are now pending.

Applicants respectfully requests reconsideration of the present application in view of this response.

Applicants respectfully request that the Examiner acknowledge the claim for foreign priority and the receipt of the certified copies of the priority documents from the International Bureau.

With respect to page two (2) of the Office Action, the Examiner indicated that the "Collesi" reference and EP 0 347 354 on the PTO-1449 form were not considered because the Examiner "could not find the translated versions". Since these references were the subject of an International Search Report and Preliminary Examination Report, the Rules make plain that the translation requirement is satisfied by the summary provided therein, so that the translation of "Collesi" is satisfied by those documents, which describe "Collesi" in sufficient detail as to the claimed subject matter. As to EP 0 347 354, while it is not believed to be required, a courtesy copy of an English Abstract accompanies this response. It is therefore respectfully requested that the Examiner formally consider these two references, in keeping with well established practice at the USPTO and in keeping with the Rules.

As to the objection to the drawings, the objection is respectfully traversed. It is believed that the Examiner only considered the original Figure 1, and not the corrected copy of Figure 1 as provided with the Preliminary Amendment dated May 30, 2001. As to the corrected Figure 1, each of the boxes is labeled as required by the Rules. There is no rule that the general figure be labeled, since the specification plainly describes that Figure 1 shows a block diagram of a wireless transceiver 100. It is therefore respectfully requested that the objection as to the drawings be withdrawn.

As to the objection as to the Abstract of the specification, the objection is respectfully traversed, since the Examiner was plainly considering the original English translation of the present application, which does include the phrase "(Figure 2)". The Examiner should instead have considered the Substitute Specification, as requested in the Preliminary Amendment. The Substitute Specification does not include this phrase. It is therefore

Appl. No. 09/856,989
Att. Docket No. 10191/1791
Reply To Office Action of 03/25/04

respectfully requested that the objection as to the Abstract of the specification be withdrawn.

As to the objection as to the specification, the objection is respectfully traversed, since the Examiner was plainly considering the original English translation of the present application, which does include the phrase "independent claim 13", as it must to represent an accurate English translation of the original German patent application. The Examiner should instead have considered the Substitute Specification, as requested in the Preliminary Amendment. The Substitute Specification does not include this phrase. It is therefore respectfully requested that the objection as to the specification be withdrawn.

With respect to page ten (10), Applicants thank the Examiner for indicating that claims 26 to 35 and 39 contain allowable subject matter. While the rejections may not be agreed with, to facilitate matters, claim 26 has been rewritten to include the features of canceled claim 21, and claim 36 has been rewritten to include the features of canceled claims 38 and 39. Accordingly, claims 26 to 36 are allowable. It is therefore respectfully requested that the objections be withdrawn.

With respect to page three (3), claims 21-25, 36-38 and 40-45 were rejected under 35 U.S.C. 103(a) as unpatentable over Gustafsson, U.S. Patent No. 6,351,647, in view of Demery et al., WO 97/01940.

While the rejections may not be agreed with, to facilitate matters, claims 21, 23, 24, and 38 have been canceled without prejudice. Also, claims 22 and 25 now depend from allowable claim 26, and claim 40 now depends from allowable claim 36, as do claims 37 and 41 to 45, so that all of these claims are allowable. It is therefore respectfully requested that the obviousness rejections be withdrawn.

New claims 46 to 65 do not add any new matter and are supported by the present application, including the specification. New claim 46 includes features like those of allowable claim 36, except that claim 46 provides the feature of "*at least one of generating a message and suppressing the use of the received information* when a first predetermined time period after the transmission of the first information query is exceeded", which is not disclosed or suggested by the references relied upon. Claims 47 to 57 depend from allowable claim 46 and also include features like those of allowable claims 22, 25 and 27 to 35, and are therefore allowable for at least the same reasons as those claims. Claim 58 includes features

Appl. No. 09/856,989
Att. Docket No. 10191/1791
Reply To Office Action of 03/25/04

like those of claim 46 and is therefore allowable for the same reasons as claim 46. Claims 59 to 65 depend from claim 58 (and also include features like those of claims 37 and 40 to 45), and is therefore allowable for the same reasons as claim 46.

Accordingly, claims 22, 25 to 37, and 40 to 65 are allowable.

CONCLUSION

In view of the above, it is believed that the objections and the rejections have been obviated, and it is therefore respectfully submitted that claims 22, 25 to 37, and 40 to 65 are allowable. It is therefore respectfully requested that the objections and rejections be reconsidered and withdrawn, and that the present application issue as early as possible.

Respectfully submitted,

Dated: 8/25/2004

By: Richard L. Mayer

Richard L. Mayer
(Reg. No. 22,490)

KENYON & KENYON
One Broadway
New York, New York 10004
(212) 425-7200

CUSTOMER NO. 26646

By AO
Reg. No. 33, 865
Aron C.
(ECO/STH)